

FILED  
08 JUL 29 AM 11:28  
RICHARD W. WICKING  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

(PR)

WHA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CV 08 3620

VICTOR AVIÑA Plaintiff,

vs.

ROBER A. HOREL

Defendant.

CASE NO. \_\_\_\_\_

PRISONER'S  
APPLICATION TO PROCEED  
IN FORMA PAUPERIS

I, VICTOR AVIÑA, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes \_\_\_\_ No X

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: \_\_\_\_\_ Net: \_\_\_\_\_

Employer: \_\_\_\_\_

If the answer is "no," state the date of last employment and the amount of the gross and net salary

PRIS. APPLIC. TO PROC. IN FORMA

PAUPERIS, Case No. \_\_\_\_\_

1 and wages per month which you received. (If you are imprisoned, specify the last place of  
2 employment prior to imprisonment.)

3 LAST DATE OF EMPLOYMENT '95, DIAMOND MEAT COMPANY, MENLO  
4 PARK, CA.

6 2. Have you received, within the past twelve (12) months, any money from any of the following  
7 sources:

8 a. Business, Profession or Yes ☐ No ☒  
9 self employment

10 b. Income from stocks, bonds, Yes ☐ No ☒  
11 or royalties?

12 c. Rent payments? Yes ☐ No ☒

13 d. Pensions, annuities, or Yes ☐ No ☒  
14 life insurance payments?

15 e. Federal or State welfare payments, Yes ☐ No ☒  
16 Social Security or other govern-  
17 ment source?

18 If the answer is "yes" to any of the above, describe each source of money and state the amount  
19 received from each.

20 \_\_\_\_\_  
21 \_\_\_\_\_

22 3. Are you married? Yes ☒ No ☐

23 Spouse's Full Name: BERTHA HERNANDEZ

24 Spouse's Place of Employment: UNKNOWN

25 Spouse's Monthly Salary, Wages or Income:

26 Gross \$ UNKNOWN Net \$ UNKNOWN

27 4. a. List amount you contribute to your spouse's support: \$ 0

28

PRIS. APPLIC. TO PROC. IN FORMA

PAUPERIS, Case No. \_\_\_\_\_

b. List the persons other than your spouse who are dependent upon you for support and indicate how much you contribute toward their support. (NOTE: For minor children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.)

5. Do you own or are you buying a home? Yes \_\_\_ No ☒

Estimated Market Value: \$ \_\_\_\_\_ Amount of Mortgage: \$ \_\_\_\_\_

6. Do you own an automobile? Yes \_\_\_ No ☒

Make \_\_\_\_\_ Year \_\_\_\_\_ Model \_\_\_\_\_

Is it financed? Yes \_\_\_ No \_\_\_ If so, Total due: \$ \_\_\_\_\_

Monthly Payment: \$ \_\_\_\_\_

7. Do you have a bank account? Yes \_\_\_ No ☒ (Do not include account numbers.)

Name(s) and address(es) of bank: \_\_\_\_\_

Present balance(s): \$ \_\_\_\_\_

Do you own any cash? Yes \_\_\_ No \_\_\_ Amount: \$ \_\_\_\_\_

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.) Yes \_\_\_ No \_\_\_

8. What are your monthly expenses?

Rent: \$ 0 Utilities: 0

Food: \$ 0 Clothing: 0

Charge Accounts:

Name of Account	Monthly Payment	Total Owed on This Acct.
<u>/</u>	\$ <u>/</u>	\$ <u>/</u>
<u>/</u>	\$ <u>/</u>	\$ <u>/</u>
<u>/</u>	\$ <u>/</u>	\$ <u>/</u>

PRIS. APPLIC. TO PROC. IN FORMA

PAUPERIS, Case No. \_\_\_\_\_

9. Do you have any other debts? (List current obligations, indicating amounts and to whom they are payable. Do not include account numbers.)

NO

10. Does the complaint which you are seeking to file raise claims that have been presented in other lawsuits? Yes      No X

Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in which they were filed.

I consent to prison officials withdrawing from my trust account and paying to the court the initial partial filing fee and all installment payments required by the court.

I declare under the penalty of perjury that the foregoing is true and correct and understand that a false statement herein may result in the dismissal of my claims.

7.24.08

DATE

Alia

SIGNATURE OF APPLICANT

PRIS. APPLIC. TO PROC. IN FORMA

PAUPERIS, Case No. \_\_\_\_\_

Case Number: \_\_\_\_\_

**CERTIFICATION OF FUNDS**  
**IN**  
**PRISONER'S ACCOUNT**

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of Victor Manuel Avina K15466 for the last six months at Pelican Bay State Prison where he is confined.

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$16.67 and the average balance in the prisoner's account each month for the most recent 6-month period was \$91.46. (20% = \$18.29)

Dated: 7/22/08

[Signature]  
Authorized officer of the institution



THE WITHIN INSTRUMENT IS A CORRECT  
COPY OF THE TRUST ACCOUNT MAINTAINED  
BY THIS OFFICE.

ATTEST: 7-22-08

CALIFORNIA DEPARTMENT OF CORRECTIONS

BY [Signature]  
TRUST OFFICE

CALIFORNIA DEPARTMENT OF CORRECTIONS  
 PELICAN BAY STATE PRISON  
 INMATE TRUST ACCOUNTING SYSTEM  
 INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JAN. 01, 2008 THRU JUL. 22, 2008

ACCOUNT NUMBER : K15466 BED/CELL NUMBER: CF08U 000000213L  
 ACCOUNT NAME : AVINA, VICTOR MANUEL ACCOUNT TYPE: I  
 PRIVILEGE GROUP: D

TRUST ACCOUNT ACTIVITY

DATE	TRAN CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
01/01/2008		BEGINNING BALANCE					161.11
01/03	FC04	DRAW-FAC 4	2823 C-8			45.00	116.11
01/16	W350	SPECIAL PURCH	3021 SP11	283149487		22.04	94.07
01/17	W502	POSTAGE CHARG	3068			0.41	93.66
01/17	W502	POSTAGE CHARG	3068			0.41	93.25
01/18	W502	POSTAGE CHARG	3091			0.41	92.84
01/18	W502	POSTAGE CHARG	3091			0.41	92.43
01/22	W502	POSTAGE CHARG	3133			0.02	92.41
01/23	W502	POSTAGE CHARG	3140			0.41	92.00
01/24	W502	POSTAGE CHARG	3168			0.41	91.59
01/24	W502	POSTAGE CHARG	3172			0.41	91.18
01/24	W502	POSTAGE CHARG	3172			0.41	90.77
01/24	W502	POSTAGE CHARG	3191			0.41	90.36
01/25	W502	POSTAGE CHARG	3195			0.41	89.95
01/25	W502	POSTAGE CHARG	3197			0.02	89.93
01/25	W502	POSTAGE CHARG	3197			0.02	89.91
01/25*	W502	POSTAGE CHARG	3201			0.41	89.50
01/30	W502	POSTAGE CHARG	3257			0.58	88.92
01/30	W502	POSTAGE CHARG	3257			0.58	88.34
02/04	FC04	DRAW-FAC 4	3376 C-8			30.00	58.34
02/14	W502	POSTAGE CHARG	3570			0.41	57.93
02/14	W502	POSTAGE CHARG	3570			0.41	57.52
02/14	W502	POSTAGE CHARG	3570			0.41	57.11
02/20	W502	POSTAGE CHARG	3631			0.41	56.70
02/27	W502	POSTAGE CHARG	3755			0.41	56.29
02/27	W502	POSTAGE CHARG	3758			0.41	55.88
02/27	W502	POSTAGE CHARG	3758			0.41	55.47
03/03	FC04	DRAW-FAC 4	3829 C-8			15.00	40.47
03/05	W502	POSTAGE CHARG	3873			0.41	40.06
03/06	W502	POSTAGE CHARG	3914			0.97	39.09
03/14	W502	POSTAGE CHARG	4040			0.41	38.68
03/26	W502	POSTAGE CHARG	4202			0.41	38.27
03/26*	W502	POSTAGE CHARG	4202			0.41	37.86
03/26	W502	POSTAGE CHARG	4202			0.41	37.45
03/26*	W502	POSTAGE CHARG	4202			0.41	37.04
03/28	FR01	CANTEEN RETUR	704225			3.50-	40.54
04/02	FC04	DRAW-FAC 4	4285 C8			30.00	10.54
04/16	W502	POSTAGE CHARG	4543			0.41	10.13
04/23	W516	LEGAL COPY CH	4636			1.60	8.53
05/01	W502	POSTAGE CHARG	4726			0.41	8.12
05/01	W502	POSTAGE CHARG	4726			0.41	7.71
05/01	W502	POSTAGE CHARG	4726			0.41	7.30
05/01	W502	POSTAGE CHARG	4726			1.14	6.16



THE WITHIN INSTRUMENT IS A CORRECT  
 COPY OF THE TRUST ACCOUNT MAINTAINED  
 BY THIS OFFICE.  
 ATTEST: 7-22-08  
 CALIFORNIA DEPARTMENT OF CORRECTIONS  
 BY J. Kleppin  
 TRUST OFFICE



PELICAN BAY STATE PRISON  
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JAN. 01, 2008 THRU JUL. 22, 2008

ACCT:	K15466	ACCT NAME:	AVINA, VICTOR MANUEL	ACCT TYPE:	I		
DATE	TRAN CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
05/05	W502	POSTAGE CHARG	4806			0.97	5.19
05/05	W502	POSTAGE CHARG	4806			0.41	4.78
05/12	D300	CASH DEPOSIT	4897 #218		100.00		104.78
05/16	W502	POSTAGE CHARG	5013			0.42	104.36
05/16	W502	POSTAGE CHARG	5013			0.42	103.94
05/16	W502	POSTAGE CHARG	5013			0.42	103.52
05/23	W536	COPAY CHARGE	5109M05/19			5.00	98.52
06/03	FC04	DRAW-FAC 4	5246 C-8			45.00	53.52
06/04	W502	POSTAGE CHARG	5283			0.42	53.10
06/04	W502	POSTAGE CHARG	5283			0.42	52.68
06/04	W502	POSTAGE CHARG	5283			0.42	52.26
06/23	W512	LEGAL POSTAGE	5596			1.51	50.75
06/23	W516	LEGAL COPY CH	5601			0.60	50.15
06/23	W502	POSTAGE CHARG	5606			0.42	49.73
07/02	W502	POSTAGE CHARG	0021			0.42	49.31
07/02	W502	POSTAGE CHARG	0021			0.42	48.89
07/08	FC04	DRAW-FAC 4	0122 C-8			45.00	3.89
07/09	W502	POSTAGE CHARG	0181			0.42	3.47
07/09	W502	POSTAGE CHARG	0181			0.42	3.05

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
161.11	100.00	258.06	3.05	0.00	0.00



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ATTEST: 7-22-08  
CALIFORNIA DEPARTMENT OF CORRECTIONS

BY J. Kleppin  
TRUST OFFICE

CURRENT  
AVAILABLE  
BALANCE

3.05